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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,870	11/12/2003	Michael D. Mills	VUT-014	6742

31408 7590 03/06/2007
LAW OFFICE OF JAMES TROSINO
92 NATOMA STREET, SUITE 211
SAN FRANCISCO, CA 94105

EXAMINER

MARTIN, LAURA E

ART UNIT	PAPER NUMBER
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2853

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/706,870	Applicant(s) MILLS ET AL.	
	Examiner Laura E. Martin	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 9-11, 25-27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-11, 25-27, 29, and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopened Prosecution

In view of the Appeal Brief filed on 12/06/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 2, 9, 27, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Saruta et al. (US 6533383).

Saruta et al. disclose the following claim limitations:

As per claim 29: a plurality of ink containers (figure 7), each container comprising an ink and an associated tag, each tag comprising rewritable data that identifies the manufacturing date of the associated ink (figure 8A, element 113, figure 7, column 6, lines 10-14); a reader adapted to read the data from an identified tag (column 14, lines 24-50); and a controller coupled to the reader, the controller adapted to determine if the expiration date of the ink associated with the identified tag has been exceeded (column 14, lines 24-50).

As per claim 30: providing a plurality of tags (figure 8A, element 113, figure 7, column 6, lines 10-14); uniquely associating each tag with a corresponding one of the containers, each tag comprising rewritable data that identifies the manufacturing date of the associated ink (figure 8A, element 113, column 14, lines 24-34); reading the data from an identified tag (column 14, lines 24-50); and determining if the expiration of the data associated with the identified tag has been exceeded (column 14, lines 24-50).

As per claim 2: the reader comprises a reader/writer that is further adapted to write data to the tags (column 13, lines 44-55).

As per claim 9: each tag is attached to the associated container (figure 8A, element 113).

As per claim 27: disabling the printing system if the expiration date of the ink associated with the identified tag has been exceeded (column 14, lines 24-56)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) in view of Seino et al. (US 6361138).

Saruta et al. disclose the following claim limitations:

The printing system of claim 29.

Saruta et al. do not disclose the following claim limitations:

Each tag comprises a memory with logic which stores the manufacturing date data of the associated ink, and a source which generates a signal relating to the data; and wherein the reader is adapted to read the signal from the identified tag.

Seino et al. disclose the following claim limitations:

Each tag comprises a memory with logic which stores the manufacturing date data of the associated ink, and a source which generates a signal relating to the data; and wherein the reader is adapted to read the signal from the identified tag (column 3, line 22-column 4, line 6 and column 1, lines 57-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system taught by Saruta et al. with the disclosure of Seino et al. in order to provide high quality ink.

Claims 3, 10, 11, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) in view of Haines et al. (US 6808255).

Saruta et al. disclose the following claim limitations:

The printing system of claim 29 and the method of claim 30.

Saruta et al. do not disclose the following claim limitations:

As per claims 3 and 26: a signal comprising a radio frequency signal

As per claims 10 and 25: the signal from the identified tag is transmitted to the reader wirelessly

As per claim 11: a tag comprising a RF identification tag.

Haines et al. disclose the following claim limitations:

As per claims 3 and 26: a signal comprising a radio frequency signal (column 3, lines 45-55 and figure 3, element 36).

As per claims 10 and 25: the signal from the identified tag is transmitted to the reader wirelessly (column 3, lines 45-55 and figure 3, element 36).

As per claim 11: a tag comprising a RF identification tag (column 3, lines 45-55 and figure 3, element 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Saruta et al. with the disclosure of Haines et al. in order to provide for a higher quality printer

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) in view of Trafton et al. (US 2003/0043243).

Saruta et al. disclose the following claim limitations:

The printing system of claim 29 and the method of claim 30.

Saruta et al. do not disclose the following claim limitations:

A memory storing data that identifies the color of the associated ink.

Trafton et al. disclose the following claim limitations:

Trafton teaches the memory storing data identifying the color of the associate ink [0010].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Saruta et al. with the disclosure of Trafton et al. in order to provide for a higher quality printer.

Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) in view of Yoshimura et al. (US 6019461).

Saruta et al. disclose the following claim limitations:

The printing system of claim 29 and the method of claim 30.

Saruta et al. do not disclose the following claim limitations:

As per claim 7: a disabler circuit coupled to the controller, the disabler circuit adapted to disable the printing system if the expiration date of the ink associated with the identified tag has been exceeded.

Yoshimura et al. disclose the following claim limitations:

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Yoshimura et al. teaches a disabler circuit coupled to the controller, the disabler circuit adapted to disable the printing system if the expiration date of the ink associated with the identified tag has been exceeded (column 4, line 65-column 5, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus and method of Saruta et al. with the disclosure of Yoshimura et al. in order to create a higher quality printer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin



MANISH S. SHAH
PRIMARY EXAMINER